

S. 586

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 1975

Mr. HOLLINGS (for himself, Mr. KENNEDY, Mr. MATHIAS, Mr. TUNNEY, and Mr. WILLIAMS) introduced the following bill; which was read twice and referred to the Committee on Commerce

A BILL

To amend the Coastal Zone Management Act of 1972 to authorize and assist the coastal States to study, plan for, manage, and control the impact of energy resource development and production which affects the coastal zone, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Coastal Zone Environ-
4 ment Act of 1975".

5 SEC. 2. Section 302 of the Coastal Zone Management
6 Act of 1972 (16 U.S.C. 1451) is amended by (1) deleting
7 "and" immediately after the semicolon in subsection (g)
8 thereof; (2) deleting the period at the end thereof and in-

1 serting in lieu thereof “; and ”; and (3) inserting at the end
2 thereof the following new subsection:

3 “(i) The national interest in adequate energy supplies
4 requires that adequate assistance be provided to the coastal
5 States to enable them to (1) study, plan for, manage, and
6 ameliorate any adverse consequences of energy facilities
7 siting and of energy resource development or production
8 which affects, directly or indirectly, the coastal zone and to
9 provide for needed public facilities and services associated
10 with such activity; (2) coordinate coastal zone planning,
11 policies, and programs in interstate and regional areas; and
12 (3) develop short-term research, study, and training capa-
13 bilities for the management of the coastal resources of the
14 States.”

15 SEC. 3. (a) Section 307 (c) (3) of the Coastal Zone
16 Management Act of 1972 (16 U.S.C. 1455 (c) (3)) is
17 amended by (1) deleting “license or permit” in the first sen-
18 tence thereof and inserting in lieu thereof “license, lease, or
19 permit”; (2) deleting “licensing or permitting” in the first
20 sentence thereof and inserting in lieu thereof “licensing, leas-
21 ing, or permitting”; and (3) deleting “license or permit” in
22 the last sentence thereof and inserting in lieu thereof “license,
23 lease, or permit”.

24 (b) Section 307 (c) of such Act is amended by adding
25 at the end thereof the following new paragraph:

1 “(4) Any applicant for a required license, lease, or
2 permit for development or production of energy resources or
3 for the siting of energy facilities to be located in or which
4 would directly or indirectly affect the coastal zone shall certify
5 that the proposed activity complies with, and will be con-
6 ducted in a manner consistent with any approved State
7 management program and in accordance with the procedures
8 for assuring the consistency of Federal activities with ap-
9 proved State management programs pursuant to paragraph
10 (3) of this section.”

11 SEC. 4. The Coastal Zone Management Act of 1972
12 (16 U.S.C. 1451 et seq.) is amended by (1) redesignating
13 sections 308 through 315 thereof as sections 311 through
14 318 thereof, respectively; and (2) inserting therein the
15 following three new sections:

16 “COASTAL IMPACT FUND

17 “SEC. 308. (a) There is established in the Treasury of
18 the United States the Coastal Impact Fund (hereinafter
19 referred to as the ‘Fund’). The Fund shall be administered
20 by the Secretary. The Secretary is authorized to make 100
21 per centum annual grants from the Fund to those coastal
22 States which the Secretary determines are likely to be sig-
23 nificantly and adversely impacted by the development or
24 production of energy resources or by the siting of energy
25 facilities to be located in or which would affect, directly or

1 indirectly, the coastal zone and which have complied with,
2 the eligibility requirements established in subsection (b) of
3 this section. Such grants may be made for the purpose of
4 (1) studying, planning for, managing, controlling, and
5 ameliorating economic, environmental, and social conse-
6 quences likely to result from such development, production,
7 or siting; and (2) constructing public facilities and providing
8 public services made necessary by such development, produc-
9 tion, or siting and activities related thereto.

10 “(b) The Secretary shall, by regulations, in accordance
11 with section 553 of title 5, United States Code, establish
12 requirements for grant eligibility. Such regulations shall pro-
13 vide that a State is eligible for such grant upon a finding
14 by the Secretary that such State—

15 “(1) is receiving a program development grant
16 under section 305 of this Act and is making satisfactory
17 progress, as determined by the Secretary, toward the
18 development of a coastal zone management program
19 under section 306 of this Act, or is receiving an admin-
20 istrative grant under section 306 of this Act; and

21 “(2) has demonstrated, to the satisfaction of the
22 Secretary that such grants will be used for purposes
23 directly related to those specified in subsection (a) of
24 this section.

25 “(c) The Secretary shall coordinate grants made pur-

1 suant to this section with the coastal zone management pro-
2 gram developed or being developed by the coastal State re-
3 questing such grant, pursuant to section 305 or 306 of this
4 Act.

5 “(d) Such grants shall be allocated to the coastal States
6 in proportion to the anticipated or actual impacts upon such
7 States resulting from development or production of energy
8 resources or the siting of energy facilities to be located in or
9 which would affect, directly or indirectly, the coastal zone.

10 “(e) A coastal State may, for the purpose of carrying
11 out the provisions of this section and with the approval of the
12 Secretary, allocate a portion of any grant received under this
13 section to (1) any political subdivision of such State; (2)
14 an areawide agency designated under section 204 of the
15 Demonstration Cities and Metropolitan Development Act
16 of 1966; (3) a regional agency; or (4) an interstate agency.

17 “INTERSTATE COORDINATION GRANTS TO STATES

18 “SEC. 309. (a) The States are encouraged to give high
19 priority to coordinating State coastal zone planning, policies,
20 and programs in contiguous interstate areas and to study,
21 plan, or implement unified coastal zone policies in such areas.
22 The States may conduct such coordination, study, planning,
23 or implementation through interstate agreement or com-
24 pacts. The authorization of Congress is hereby given to two
25 or more States to negotiate and enter into interstate agree-

1 ments or compacts, not in conflict with any law or treaty
2 of the United States, upon such terms and conditions, includ-
3 ing the establishment of such public agencies, entities, or au-
4 thorities as are reasonable or appropriate, for the purpose of
5 said coordination, study, planning, or implementation: *Pro-*
6 *vided*, That such agreements or compacts shall provide an
7 opportunity for participation, for coordination purposes,
8 by Federal and local governments and agencies as well as
9 property owners, users of the land, and the public. Such
10 agreement or compact shall be binding or obligatory upon
11 any State or party thereto without further approval by
12 Congress.

13 “(b) The Secretary is authorized to make annual grants
14 to the coastal States, not to exceed 90 per centum of the
15 cost of such coordination, study, planning, or implementa-
16 tion, if the Secretary finds that each coastal State receiving
17 a grant under this section will use such grants for purposes
18 consistent with the provisions of sections 305 and 306 of this
19 Act.

20 “COASTAL RESEARCH ASSISTANCE

21 “SEC. 310. The Secretary is authorized to provide as-
22 sistance to enable the coastal States to develop a capability
23 for carrying out short-term research, studies, and training
24 required in support of coastal zone management. Such assist-
25 ance may be provided through (1) the payment of funds to

1 appropriate departments and agencies of the Federal Gov-
2 ernment as he shall determine; (2) the employment of pri-
3 vate individuals, partnerships, firms, corporations, or other
4 suitable institutions, under contracts entered into for such
5 purposes; or (3) annual grants to the coastal States not to
6 exceed 66⅔ per centum of the costs of such assistance. As-
7 sistance under this section is for the purpose of conducting or
8 encouraging research and studies into the problems of coastal
9 zone management and to provide for the training of persons
10 to carry on further research or to obtain employment in
11 private or public organizations which are concerned with
12 coastal zone management.”.

13 SEC. 5. Section 316 of the Coastal Zone Management
14 Act of 1972 (16 U.S.C. 1462), as redesignated by this Act,
15 is amended by (1) deleting “and” at the end of paragraph
16 (8) thereof immediately after the semicolon; (2) renumber-
17 ing paragraph “(9)” thereof as paragraph “(11)” thereof;
18 and (3) inserting the following two new paragraphs:

19 “(9) a general description of the economic, environ-
20 mental, and social impacts of the development or pro-
21 duction of energy resources or the siting of energy facili-
22 ties affecting the coastal zone;

23 “(10) a description and evaluation of interstate and
24 regional planning mechanisms developed by the coastal
25 States; and”.

1 SEC. 6. (a) Section 305 (h) of the Coastal Zone Man-
2 agement Act of 1972 (16 U.S.C. 1454 (h)) is amended by
3 deleting "1977" and by inserting in lieu thereof "1980".

4 (b) Section 318 (a) of such Act (16 U.S.C. 1464 (a)),
5 as redesignated by this Act, is amended by (1) deleting
6 "three" in paragraph (1) thereof and inserting in lieu there-
7 of "four"; (2) deleting "1977" in paragraph (2) thereof
8 and inserting in lieu thereof "1980"; (3) deleting "and"
9 after the semicolon in paragraph (2) thereof; (4) redesignig-
10 nating paragraph "(3)" thereof as paragraph (6) thereof;
11 (5) deleting "312" therein and inserting in lieu thereof
12 "315"; and (6) inserting therein the following three new
13 paragraphs:

14 “(3) a sum not to exceed \$200,000,000 for the
15 fiscal year ending June 30, 1976, and for each of the
16 four succeeding fiscal years, to the Coastal Impact
17 Fund for grants pursuant to the provisions of section
18 308, to remain available until expended;

19 “(4) such sums, not to exceed \$5,000,000 for the
20 fiscal year ending September 30, 1976, and for each of
21 the three succeeding fiscal years, as may be necessary
22 for grants under section 309, to remain available until
23 expended;

24 “(5) such sums, not to exceed \$5,000,000 for the
25 fiscal year ending September 30, 1976, and for each of

1 the three succeeding fiscal years, as may be necessary,
2 for assistance under section 310, to remain available until
3 expended; and”.

4 (c) Section 318 (b) of such Act is amended by deleting
5 “four” and inserting in lieu thereof “seven”.

6 SEC. 7. (a) Section 302 (e) of the Coastal Zone Man-
7 agement Act of 1972 (16 U.S.C. 1451 (e)) is amended by
8 inserting “ecological,” immediately after “recreational.”.

9 (b) Section 304 of such Act (16 U.S.C. 1453) is
10 amended by (1) inserting in subsection (a) thereof “islands”
11 immediately after “and includes”; (2) deleting in subsection
12 (e) thereof “and” after “transitional areas,” and inserting
13 “and islands” after “uplands,”; and (3) adding at the end
14 thereof the following new subsection:

15 “(j) ‘Beach’ means the area defined by the coastal State
16 under paragraph (7) of subsection (b) of section 305.”

17 (c) Section 305 (b) of such Act (16 U.S.C. 1454 (b))
18 is amended (1) by deleting the period at the end thereof
19 and inserting in lieu thereof a semicolon; and by adding at
20 the end thereof the following new paragraph:

21 “(7) a general plan for the protection of access to
22 public beaches and other coastal areas of environmental,
23 recreational, historical, esthetic, ecological, and cultural
24 value. Such plan shall include a definition of the term
25 ‘beach’.”.

1 (d) Section 306 (c) (9) of such Act (16 U.S.C. 1461),
2 as redesignated by this Act, is amended by (1) inserting
3 after “, Beaches and Islands” after “Estuarine Sanctuaries”
4 in the title thereof; (2) deleting the period at the end of the
5 first sentence thereof and inserting in lieu thereof “, and
6 grants of up to 50 per centum of the costs of acquisition of
7 lands to provide for protection of and access to public beaches
8 and preservation of islands.”.

9 SEC. 8. Section 318 (a) (6) of such Act (16 U.S.C.
10 1464 (a) (6)), as redesignated by this Act, is amended by
11 inserting “and \$50,000,000 for each of the fiscal years 1975
12 through 1980,” after “June 30, 1974,” and before “as may
13 be necessary,”.

14 DEFINITIONS

15 SEC. 9. Section 304 of the Coastal Zone Management
16 Act of 1972 (16 U.S.C. 1451) is amended by inserting
17 after existing subsection (1) the following four new
18 subsections:

19 “(j) ‘energy resources’ means petroleum crude oil,
20 petroleum products, coal, natural gas, or any other
21 substance used primarily for its energy content;

22 “(k) ‘development and production’ means the leas-
23 ing of, exploration for, drilling for, removal, extraction,
24 exploitation, or treatment, transportation and storage
25 of, energy resources;

1 “(l) ‘energy facilities’ means electric generating
2 plants, including hydroelectric facilities licensed by the
3 Federal Power Commission; petroleum refineries or
4 petrochemical plants; synthetic gasification plants,
5 liquefaction and gasification plants, and liquefied nat-
6 ural gas conversion facilities providing fuel for interstate
7 use; petroleum loading or transfer facilities; and all
8 transmission, pipeline, and storage facilities associated
9 with the above facilities;

10 “(m) ‘public services and facilities’ means those
11 services or facilities financed in part or in whole by local
12 or State governments which may be required either
13 directly or indirectly by the development or production
14 of energy resources or the siting of energy facilities.
15 Such services and facilities include, but are not limited
16 to, highways, secondary roads, sewer and water facili-
17 ties, schools, hospitals, fire and police protection and
18 related facilities, and such other social and governmental
19 services as necessary to support increased population
20 and industrial development.”

94TH CONGRESS
1ST Session

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